

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

IN RE PHARMACEUTICAL INDUSTRY	)	MDL NO. 1456
AVERAGE WHOLESALE PRICE	)	CIVIL ACTION NO.
LITIGATION	)	01-12257-PBS

**CASE MANAGEMENT ORDER NO. 14**

March 28, 2005

Saris, U.S.D.J.

After review of the submissions, I order the following revised schedule for the Track Two Defendants:

1. The "Triggering Date" is the date the Track One class certification Order becomes final if it is unappealed, or the date that the Court of Appeals issues a decision.

2. If the Plaintiffs seek to file expert reports in support of class certification, they shall file the reports within 30 days of the Triggering Date. Defendants shall file any expert reports 60 days after the Triggering Date. No depositions shall be allowed.

3. With respect to briefing, the Court orders the following schedule:

30 days after the Triggering Date	-	Motion for Class Certification for Phase II Defendants (together with expert reports)
60 days after the Triggering Date	-	Opposition (together with expert reports)
90 days after the Triggering Date	-	Reply
120 days after the Triggering Date	-	Surreply

4. Regardless of the status of the motion for class certification:

December 3, 2005	-	Close of Fact Discovery
January 15, 2006	-	Plaintiffs file their expert reports on liability
January 30, 2006	-	Defendants file expert reports on liability
March 15, 2006	-	Completion of expert depositions

5. If this Court's Order on class certification for Track Two is unappealed, the parties shall propose a schedule for summary judgment briefing within 15 days of the Court's Order.

6. If this Court's Order on class certification is appealed:

30 days after the Court of Appeals Decision on Track Two certification ("Appeals Decision")	-	Defendants' motion for summary judgment
60 days after the Appeals Decision	-	Plaintiffs' opposition
75 days after the Appeals Decision	-	Reply
90 days after the Appeals Decision	-	Surreply

/s/ Patti B. Saris

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PATTI B. SARIS  
United States District Judge